



PUBLIC NOTICE

Federal Communications Commission
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**DOMESTIC SECTION 214 APPLICATION FILED FOR THE TRANSFER OF CONTROL OF
AMERICATEL CORPORATION, MATRIX TELECOM, INC.
AND MATRIX TELECOM OF VIRGINIA, INC. TO IMPACT TELECOM, INC.**

STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 13-58

Comments Due: April 2, 2013

Reply Comments Due: April 9, 2013

On February 22, 2013, AmericaTel Corporation (AmericaTel), Matrix Telecom, Inc. (Matrix), Matrix Telecom of Virginia, Inc. (Matrix-VA), EnergyTRACS Acquisition Corp. (EnergyTRACS), and Impact Telecom, Inc. (Impact) (collectively, Applicants) filed an application, pursuant to section 63.03 of the Commission's rules,¹ to transfer control of AmericaTel, Matrix and Matrix-VA from EnergyTRACS to Impact.

AmericaTel, a Delaware corporation, provides domestic facilities-based and resold long distance services in 49 states. Matrix, a Texas corporation, provides intrastate and interstate services throughout the United States. Matrix is also authorized to provide competitive local exchange telecommunications services in the District of Columbia and all states except Alaska and Virginia. Matrix-VA, a wholly-owned subsidiary of Matrix, is a Virginia corporation that provides, either directly or indirectly through Matrix, intrastate and interstate services in Virginia. Matrix-VA is authorized to provide competitive local exchange and interexchange telecommunications services in Virginia.

EnergyTRACS, a Delaware corporation, does not provide telecommunications services. EnergyTRACS is a subsidiary of Platinum Equity, LLC (Platinum), a privately held Delaware limited liability company, and is the indirect corporate parent of AmericaTel, Matrix and Matrix-VA. Platinum indirectly controls MegaPath Corporations, which provides integrated voice and data communications.

Impact, a Nevada corporation, provides wholesale communications services in the following states: California, Colorado, Georgia, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, Missouri, North Carolina, North Dakota, New Jersey, New Mexico, Nevada, New York, Ohio, Oregon, Pennsylvania, South Carolina, South Dakota, Texas, Utah, Virginia, Vermont, Washington, West Virginia, Wisconsin and Wyoming. Impact provides services to other carriers and it does not serve retail

¹ 47 C.F.R § 63.03; *see* 47 U.S.C. § 214. Applicants are also filing applications for transfer of control associated with authorization for international services. Any action on this domestic section 214 application is without prejudice to Commission action on other related, pending applications.

end users at this time. The following U.S. citizens hold a ten percent or greater direct or indirect equity ownership in Impact: Robert Beaty (41%); Chuck Griffin (15%); William Beaty (11%); Jason McKesson (15%); and Doug Funsch (15%).

Pursuant to a stock purchase agreement among Impact, EngeryTRACS, and MTAC Holdings Corporation (MTAC), a Delaware corporation, Impact will acquire control of MTAC, and indirectly, AmericaTel and Matrix.² Applicants state that, as a result of the proposed transaction, AmericaTel and Matrix will become indirect subsidiaries of Impact. Applicants assert that the proposed transaction is entitled to presumptive streamlined treatment under section 63.03(b)(2)(i) of the Commission's rules and that a grant of the application will serve the public interest, convenience, and necessity.³

Domestic Section 214 Application Filed for the Transfer of Control of AmericaTel Corporation, Matrix Telecom, Inc. and Matrix Telecom of Virginia, Inc. to Impact Telecom, Inc., WC Docket No. 13-58 (filed Feb. 22, 2013).

GENERAL INFORMATION

The transfer of control identified herein has been found, upon initial review, to be acceptable for filing as a streamlined application. The Commission reserves the right to return any transfer application if, upon further examination, it is determined to be defective and not in conformance with the Commission's rules and policies. Pursuant to section 63.03(a) of the Commission's rules, 47 CFR § 63.03(a), interested parties may file comments **on or before April 2, 2013**, and reply comments **on or before April 9, 2013**. Unless otherwise notified by the Commission, the Applicants may transfer control on the 31st day after the date of this notice.⁴ Comments should be filed using the Commission's Electronic Comment Filing System (ECFS). See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <http://fjallfoss.fcc.gov/ecfs2/>.

In addition, e-mail one copy of each pleading to each of the following:

- 1) The Commission's duplicating contractor, Best Copy and Printing, Inc., fcc@bcpiweb.com; phone: (202) 488-5300; fax: (202) 488-5563;
- 2) Myrva Charles, Competition Policy Division, Wireline Competition Bureau, myrva.charles@fcc.gov;
- 3) Dennis Johnson, Competition Policy Division, Wireline Competition Bureau, dennis.johnson@fcc.gov;
- 4) David Krech, Policy Division, International Bureau, david.krech@fcc.gov; and

² In the event that the minority stockholder of AmericaTel has not transferred its AmericaTel stock to AmericaTel prior to the closing, AmericaTel will be merged with a newly created, wholly-owned subsidiary of Impact, following which AmericaTel will be the surviving corporation. AmericaTel would be acquired by Impact directly and will become a direct wholly owned subsidiary of Impact. The acquisition of Matrix will not be affected by this alternative transaction structure and in both cases AmericaTel and Matrix will be controlled by Impact following the closing.

³ 47 C.F.R. § 63.03(b)(2)(i).

⁴ Such authorization is conditioned upon receipt of any other necessary approvals from the Commission in connection with the proposed transaction.

5) Jim Bird, Office of General Counsel, jim.bird@fcc.gov.

Filings and comments are available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, S.W., Room CY-A257, Washington, D.C. 20554. They may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., Portals II, 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554; telephone: (202) 488-5300; fax: (202) 488-5563; e-mail: fcc@bcpiweb.com; url: www.bcpiweb.com.

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For further information, please contact Myrva Charles at (202) 418-1506 or at Dennis Johnson (202) 418-0809.

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